

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 14-00638-02 DKW
	)	
Plaintiff,	)	ORDER GRANTING UNITED
	)	STATES' MOTION FOR
vs.	)	REDUCTION OF SENTENCE
	)	
JEREMY JAVILLO (02),	)	
	)	
Defendant.	)	
_____	)	

**ORDER GRANTING UNITED STATES' MOTION FOR**  
**REDUCTION OF SENTENCE**

On April 14, 2016, the United States filed a motion seeking an order from this Court reducing the sentence of Defendant Jeremy Javillo, pursuant to Federal Rule of Criminal Procedure 35(b)(2)(B). Javillo filed a notice of no objections to the United States' motion on May 2, 2016.

Rule 35(b) provides:

(1) In General. Upon the government's motion made within one year of sentencing, the court may reduce a sentence if the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person.

(2) Later Motion. Upon the government's motion made more than one year after sentencing, the court may reduce a sentence if the defendant's substantial assistance involved: (A) information not known to the defendant until one year or more after sentencing;

(B) information provided by the defendant to the government within one year of sentencing, but which did not become useful to the government until more than one year after sentencing; or (C) information the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing and which was promptly provided to the government after its usefulness was reasonably apparent to the defendant.

On January 15, 2015, Javillo was sentenced to a total term of incarceration of 33 months.<sup>1</sup> Dkt. No. 38. Although the United States' Rule 35(b) motion was filed more than one year after sentencing, the United States explains that Javillo provided information to the United States within one year of sentencing, some of which did not become useful to the government until more than one year after sentencing. The motion is thus timely pursuant to Rule 35(b)(2)(B).

The United States' motion demonstrates that Javillo provided substantial assistance in the investigation and prosecution of another individual. According to the United States, that assistance included Javillo's "truthful, complete, and earnest" testimony at the criminal trial of that individual in the District of Hawaii in March 2016.

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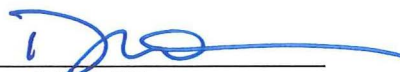
<sup>1</sup>That sentence was based, in part, on Javillo's prior cooperation, and the United States' Motion for Downward Departure pursuant to United States Sentencing Guideline Section 5K1.1. See Dkt. Nos. 30 and 38.

Based on the representations made by the United States, and considering Javillo's response, the Court GRANTS the United States' motion, and hereby orders that Javillo's total sentence of 33 months imprisonment be reduced by 9 months to a new total sentence of 24 months imprisonment. The Court makes the following recommendation to the Bureau of Prisons: Javillo to be placed at FDC Honolulu.

IT IS SO ORDERED.

Dated: May 18, 2016 at Honolulu, Hawai'i.



  
Derrick K. Watson  
United States District Judge

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*United States v. Javillo*, Cr. No. 14-00638-02 DKW; Order Granting Motion for Reduction of Sentence